

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

Yolany PADILLA, et al.,

Plaintiffs,

V.

U.S. IMMIGRATION AND CUSTOMS  
ENFORCEMENT, et al.,

#### Defendants.

Case No. 18-cv-0928 MJP

**DECLARATION OF  
TIMOTHY WARDEN-HERTZ IN  
SUPPORT OF PLAINTIFFS'  
AMENDED MOTION FOR  
CLASS CERTIFICATION**

I, Timothy Warden-Hertz, hereby declare:

1. I am the Directing Attorney of the Tacoma office of the Northwest Immigrant Rights Project (“NWIRP”). Our business address is 1119 Pacific Ave., Suite 1400 Tacoma, WA 98402. I am an attorney licensed in the state of Washington. I was licensed in Massachusetts from 2009 until retiring from that license in 2018. I have been licensed in Washington since 2017. Since 2015, I have also been admitted to practice before the Ninth Circuit Court of Appeals. Prior to my position at NWIRP, I was the Legal Director of the immigration law programs at Catholic Social Services of Fall River, Massachusetts.
  2. I currently represent individuals in bond proceedings before the Immigration Court in Tacoma, Washington.
  3. To the best of my knowledge, EOIR has not provided a hearing transcript or recording for an initial bond hearing in any case in which I represented a client at an initial bond

1 hearing.

2 4. In the last six months, our office has had, at minimum, several cases where we have  
3 represented clients and requested bond hearings only to be told that the next available  
4 court date for the bond hearing was three to four weeks out.

5 5. To the best of my knowledge, none of my clients who were denied release at a bond  
6 hearing before an immigration judge received a written decision with particularized  
7 findings unless they filed an administrative appeal. Instead, they received a pre-printed  
8 Custody Order of the Immigration Judge form. In some, but not all cases, that form has  
9 had a hand-written notation of not more than one sentence of supposed reasoning.

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12 I declare under penalty of perjury of the laws of the State of Washington and the United  
13 States that the foregoing is true and correct to the best of my knowledge and belief. Executed  
14 the 6th day of September 2018 in Tacoma, Washington.

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16  
17 By:

  
18 \_\_\_\_\_  
19 Timothy Warden-Hertz  
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1                   **CERTIFICATE OF SERVICE**

2                   I hereby certify that on September 6, 2018, I filed the foregoing with the Clerk of the  
3 Court using the CM/ECF system, which will send notification of such filing to those attorneys of  
4 record registered on the CM/ECF system. All other parties shall be served in accordance with the  
5 Federal Rules of Civil Procedure.

6                   DATED this 6th day of September, 2018.

7                   s/ Glenda M. Aldana Madrid

8                   Glenda M. Aldana Madrid

9                   NORTHWEST IMMIGRANT RIGHTS PROJECT

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